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| 10/057,919 | 01/29/2002 | Hisayoshi Tsubaki | FJ-2001-039-US | 3745 |

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EXAMINER

DULANEY, BENJAMIN O

ART UNIT PAPER NUMBER

2625

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--|---------------------------------------|--|
| Office Action Summary | Application No. 10/057,919 | Applicant(s) TSUBAKI ET AL. | |
| | Examiner Benjamin O. Dulaney | Art Unit 2625 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/13/2002</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 1) Claims 1 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. patent application publication 2001/0048774 by Seki et al.
- 2) Regarding claim 1, Seki teaches a portable device which records, in a recording medium, an image to be transmitted to a server via a communication device such as a mobile phone, the server providing image service such as printing and distribution service of an image (Figures 1 and 2; Page 6, paragraphs 163 and 164), the portable device comprising: a service information input device which inputs, from the communication device, service information about image service such as: a format of the image such as an image recording format or an image format (Page 14, paragraph 243; Page 24, paragraph 351); an aspect ratio of the image or a permissible range of the aspect ratio (Page 32, paragraph 453); numbers of pixels in vertical and horizontal directions of the image or a permissible range of the numbers of pixels (Page 30, paragraphs 433-435); and compressibility for compressing and recording the image, a file size of the image upon recording, or a permissible range of the compressibility or the

Art Unit: 2625

file size (Page 32, paragraph 453); and a recording device which records the image based on the inputted service information in the recording medium (Page 6, paragraphs 163 and 164).

3) Regarding claim 2, Seki teaches the portable device according to claim 1, wherein the recording device records the service information together with the image in the recording medium (Figure 2; Page 6, paragraphs 165 and 166).

4) Regarding claim 3, Seki teaches the portable device according to claim 1, wherein: the input device inputs server identifying information for specifying the server together with the service information; and the recording device records the server identifying information together with the image (Page 8, paragraph 180).

5) Regarding claim 4, Seki teaches the portable device according to claim 1, wherein: the input device inputs service content information indicating the content of the image service; and the recording device records the service content information together with the image (Page 6, paragraphs 163 and 164; Figure 3).

6) Regarding claim 5, Seki teaches the portable device according to claim 1, further comprising: an image-capturing device which captures an image, wherein the recording device converts the captured image to an image based on the service information and records the image in the recording medium (Page 6, paragraphs 163 and 164).

7) Regarding claim 6, Seki teaches the portable device according to claim 1, further comprising: an image reading device which reads an image from an image recording device for recording an image, wherein the recording device converts an image read from the image recording device to an image based on the service information, and

Art Unit: 2625

records the image in the recording medium (Page 6, paragraphs 163 and 164; Figure 1, item 200).

8) Regarding claim 7, Seki teaches the portable device according to claim 1, wherein the service information input device reads service information recorded in the recording medium and inputs service information (Page 32, paragraph 453).

9) Regarding claim 8, Seki teaches the portable device according to claim 1, wherein the service information input device inputs service information via a wire or wireless communication device (Page 6, paragraphs 163 and 164; Figure 1, item 200).

10) Regarding claim 10, Seki teaches the portable device according to claim 1, further comprising: a specifying device which allows a user to specify service information including a predetermined aspect ratio, the number of pixels, compressibility, or a file size within a permissible range when specification is made within the permissible range regarding service information including a predetermined aspect ratio, the number of pixels, compressibility, or a file size, wherein the recording device records an image in the recording medium according to service information specified by the user (Page 6, paragraphs 163 and 164).

11) Regarding claim 11, Seki teaches the portable device according to claim 1, further comprising: an input device which allows a user to specify conditions of recording an image, the conditions including an aspect ratio of a predetermined image, the numbers of pixels in vertical and horizontal directions of an image, compressibility for compressing and recording an image, or a file size of an image upon recording, wherein when recording conditions specified by the user are within a permissible range

of the corresponding service information inputted from a communication device such as the mobile phone, an image based on the recording conditions specified by the user is recorded in the recording medium (Page 6, paragraphs 163 and 164).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12) Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent application publication 2001/0048774 by Seki et al. as applied to claim 1 above, and further in view of U.S. patent 6,976,026 by Getzinger et al.

Seki does not teach the portable device according to claim 1, wherein when specification is made within a permissible range regarding an aspect ratio, the number of pixels, compressibility, or a file size that is included in the service information, the recording device automatically selects a maximum value or a minimum value within the permissible range, and records an image based on the selected service information in the recording medium.

Getzinger teaches the portable device according to claim 1, wherein when specification is made within a permissible range regarding an aspect ratio, the number of pixels, compressibility, or a file size that is included in the service information, the recording device automatically selects a maximum value or a minimum value within the

Art Unit: 2625

permissible range, and records an image based on the selected service information in the recording medium (Column 15, lines 35-65).

Seki and Getzinger are combinable because they are both from the image compression and storage field of endeavor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Seki with Getzinger to add automatic selection of service information values within a permissible range. The motivation for doing so would have been to "most effectively compress a set of image files to fit within an available storage capacity" (Column 2, lines 52-53). Therefore it would have been obvious to combine Seki with Getzinger to obtain the invention as specified by claim 9.

13) Claims 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent application publication 2001/0048774 by Seki et al., and further in view of U.S. patent 6,038,295 by Mattes.

14) Regarding claims 12, 17 and 18, Seki teaches a receiving device which receives, from a server, service information about image service such as: a format of the image such as an image recording format or an image format (Page 14, paragraph 243; Page 24, paragraph 351); an aspect ratio of the image or a permissible range of the aspect ratio (Page 32, paragraph 453); numbers of pixels in vertical and horizontal directions of the image or a permissible range of the numbers of pixels (Page 30, paragraphs 433-435); and compressibility for compressing and recording the image, a file size of the image upon recording, or a permissible range of the compressibility or the file size

Art Unit: 2625

(Page 32, paragraph 453); a service information output device which outputs the received service information to a portable device; and a transmitting device which transmits to the server the image read from the recording medium (Page 6, paragraphs 163 and 164).

Seki does not teach a mobile phone which is capable of performing voice communication, communicating information to a server for providing image service such as printing service and distribution service of an image, and transmitting an image recorded in a recording medium to the server, the recording medium being loaded and unloaded.

Mattes teaches a mobile phone which is capable of performing voice communication, communicating information to a server for providing image service such as printing service and distribution service of an image, and transmitting an image recorded in a recording medium to the server, the recording medium being loaded and unloaded (Column 8, lines 36-45).

Seki and Mattes are combinable because they are both from the image transmission field of endeavor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Seki with Mattes to add a cellular phone. The motivation for doing so would have been "so that photographic images may be obtain by the digital camera portion and transmitted via the telephone portion" (Column 8, lines 39-41). Therefore it would have been obvious to combine Seki with Mattes to obtain the invention as specified by claims 12, 17 and 18.

Art Unit: 2625

15) Regarding claim 13, Seki (as modified by Mattes) teaches the mobile phone according to claim 12, wherein: the recording medium records server identifying information for specifying the server, together with the image; and the transmitting device transmits the image to a server specified according to server identifying information recorded in the recording medium (Page 8, paragraph 180).

16) Regarding claim 14, Seki (as modified by Mattes) teaches the mobile phone according to claim 12, wherein: the recording medium records service content information indicating service content of the image, together with the image; and the transmitting device transmits service content information recorded in the recording medium to the server together with the image (Page 6, paragraphs 163 and 164; Figure 3).

17) Regarding claim 15, Seki (as modified by Mattes) teaches the mobile phone according to claim 12, wherein the service information output device records the received service information in the recording medium and outputs the service information to the portable device via the recording medium (Page 32, paragraph 453; Page 6, paragraphs 163 and 164).

18) Regarding claim 16, Seki (as modified by Mattes) teaches the mobile phone according to claim 12, wherein the service information output device outputs the received service information to the portable device via a wireless or wire communication device (Page 6, paragraphs 163 and 164; Figure 1, item 200).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin O. Dulaney whose telephone number is (571) 272-2874. The examiner can normally be reached on Monday - Friday (9am - 6pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin O. Dulaney

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